

REMARKS/ARGUMENTS

Claims 1-23 were pending in this application. No claims have been amended, canceled or added. Hence, claims 1-23 remain pending. Reconsideration of the subject application as amended is respectfully requested.

AFFIDAVIT OF PRIOR INVENTION

Claims 1-5, 7-13, 15-20, 22-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,745,211 to Kabasakalian, *et al.* (hereinafter "Kabasakalian") in view of the cited portions of U.S. Patent Publication No. 2003/0004724 to Kahn, *et al.* (hereinafter "Kahn").

Claims 6, 14 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kabaskalian, in view of Kahn and further in view of the cited portions of U.S. Patent No. 6,658,622 to Aiken, *et al.* (hereinafter "Aiken").

Applicants submit herewith revised Declarations of Prior Invention under 37 CFR §1.131 to establish prior invention over the Kabasakalian reference of the subject matter of claims 1-23. Thus, Applicants submit the Kabasakalian reference does not qualify as a reference under 35 U.S.C. §102(a) for use under 35 U.S.C. §103(a).

The Kabasakalian reference was filed on November 21, 2001. Prior to November 21, 2001, the Applicants reduced to practice the subject matter of the claimed invention as evidenced by the attached Declarations. Thus, the Kabasakalian reference does not qualify as 102(b) prior art.

In the Final Office action, the Examiner stated that the declaration filed on October 28, 2005 is ineffective to overcome the Kabasakalian reference. The Final Office Action states that "the declaration comprises vague and general statements in broad terms that the exhibit demonstrates a reduction to practice. Thus, the declaration amounts to a mere pleading unsupported by proof or a showing of facts."

The revised Declaration of Prior Invention under 37 CFR §1.131 submitted herewith includes annotated coded that existed prior to the Kabasakalian reference. The annotation show where each and every element of the claimed invention are implemented in the

Appl. No. 10/044,484
Amdt. dated January 11, 2006
Reply to Final Office Action of December 2, 2005

PATENT

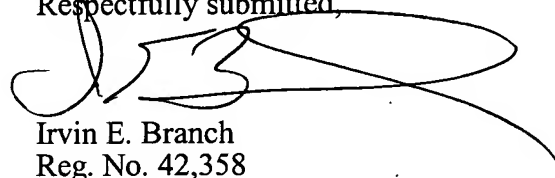
code. Hence, the Applicants believe the revised Declaration is sufficient to overcome the Kabasakalian reference, and all pending claims are, therefore, believed to be allowable.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Irvin E. Branch
Reg. No. 42,358

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
Attachments
IEB:arl
60677620 v1